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10/598,168	05/21/2007	Stefan Geoffrey Butlin	051036	1923
23596 7590 03/19/2010 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER PAN, YONGJIA				
ART UNIT 2173		PAPER NUMBER		
NOTIFICATION DATE 03/19/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

kascanla@qualcomm.com

nanm@qualcomm.com

# Office Action Summary

**Application No.**

10/598,168

**Applicant(s)**

BUTLIN ET AL.

**Examiner**

YONGJIA PAN

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI/22)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communications filed May 21, 2007.
2. Claims 1-9 are pending.

***Oath/Declaration***

3. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

***Priority***

4. As required by M.P.E.P. 201.14(c), acknowledgement is made of applicant's claim for priority based on applications filed on February 21, 2005 (PCT/GB05/00630) and February 19, 2004 (UK 0403709.9); receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 301, 600, 601, 50, 60, 70, 210a, 210b, and 445a.
6. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 510, 520, 530, 610, 610, 151, 152, 210, and 455.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example, the typographical error found page 18, second paragraph, where the word "by" has been incorrectly spelled as "buy" should be corrected.

9. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

**Claim Rejections - 35 USC § 102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 5-7, and 9 (dependent upon claims 5-7) are rejected under 35 U.S.C. 102(b) as being anticipated by Cronin et al. (US Publication 2002/0137502 A1); hereinafter referred to as Cronin.

**Regarding claim 1**, Cronin teaches a device comprising a storage means for storing a plurality of data resources (*The digital memory 6 may include pre-stored run-time software and the downloaded data with executable software adapted for the respective digital processor*){[0029]}, a file system for organizing the plurality of data resources stored in the storage means (*A program of the external data source has an individual serial number and an associated "level" of programming capability. The program of the external data source is allowed to customize the resources at the associated level or at a lower level at every stage of downloading specified resources*){[0044]} and a user interface for providing user access to the plurality of data resources (*Figure 1 reference element 11*){a main display for providing user access to data resources is shown}, wherein the file system comprises one or more locations comprising directly addressable data resources (*Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k"*){Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a

standard list of resources ... Programming during manufacturing is often at a level 1 ... All of the resources defined as belonging to level 1 typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k) and one or more locations comprising indirectly addressable data resources (Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1 and M){[0046]}, the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider), the file system being configured, in use, to provide a single interface from the user interface to both directly addressable data resources and indirectly addressable data resources (Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources){[0046]}).

**Regarding claim 2**, Cronin teaches a device according to claim 1, wherein the directly addressable data resources comprise data content files which, in use, are

displayed within the user interface (*the mobile phone displays menus defined by fixed linked resources*).

**Regarding claim 3**, Cronin teaches a device according to claim 1 or claim 2, wherein the indirectly addressable data resources comprise a database (*The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider*)([0008]) and, in use, the result of one or more queries is displayed within the user interface (*If the external data source is a base transceiving station of a mobile communication system, then a modular system of different run-time modules may be available on-demand to increase a number of available functions of a mobile phone*)([0007])(*on-demand resources queried, downloaded, and generated for display on the mobile device*).

**Regarding claim 5**, Cronin teaches a method of for storing a plurality of data resources within a file system of a device, the method comprising the steps of:

defining one or more locations comprising one directly addressable data resources (*Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k"*)(*Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a standard list of resources ... Programming during manufacturing is often at a level 1 ...All of the resources defined as belonging to level 1*

*typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k);*

**defining one or more locations comprising indirectly addressable data resources**  
*(Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M") (When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1 and M) ([0046]), the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider);*

**wherein file system provides a single interface from the user interface to access both the directly addressable data resources and indirectly addressable data resources access**  
*(Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources) ([0046]).*

**Regarding claim 6,** Cronin teaches a method according to claim 5, wherein the method comprises the further step of accessing a directly addressable data resource



such that the content of the data resource is displayed within the user interface (*the mobile phone displays menus defined by accessing fixed linked resources*).

**Regarding claim 7**, Cronin teaches a method according to claim 5, wherein the method comprises the further step of accessing an indirectly addressable data resource, the data resource comprising a database (*The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider*)(*[0008]*) such that the result(s) of a database query is displayed within the user interface (*If the external data source is a base transceiving station of a mobile communication system, then a modular system of different run-time modules may be available on-demand to increase a number of available functions of a mobile phone*)(*[0007]*)(*on-demand resources queried, downloaded, and generated for display on the mobile device*).

**Regarding claim 9 (in reference to its dependence upon claims 5-7; which are rejected under 35 U.S.C. 102(b))**, Cronin teaches a data carrier comprising computer executable code for performing the method of any of claims 5 to 7 (*run-time software is stored upon memory for the operation of the mobile phone*).

**Claim Rejections - 35 USC § 103**

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 8, and 9 (dependent upon claim 8) are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin and in further view of Gibbons et al. (US Publication 2004/0034853 A1); hereinafter referred to as Gibbons.

**Regarding claim 4,** Cronin teaches a device as applied in the claim above.

Cronin differs from the claims in that Cronin fails to teach the indirectly addressable data resources comprise a mark-up language element and, in use, the mark-up language element is rendered and the associated result is displayed within the user interface. However, an indirectly addressable data resources comprising a mark-up language element, wherein the mark-up language element is rendered and the associated result is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user interface*)([0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons'

indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

**Regarding claim 8**, Cronin teaches a method as applied in the claim above. Cronin differs from the claims in that Cronin fails to teach the accessing an indirectly addressable data resource, the data resource comprising a mark-up language element such that the mark-up language element is rendered and the associated result is displayed within the user interface. However, accessing an indirectly addressable data resource, the data resource comprising a mark-up language element such that the mark-up language element is rendered and the associated result is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user interface*)([0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons' indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

**Regarding claim 9 (in reference to its dependence upon claim 8; which is rejected under 35 U.S.C. 103(a))**, Cronin-Gibbons teach a data carrier comprising

computer executable code for performing the method of claim 8 (*in Cronin run-time software is stored upon memory for the operation of the mobile phone*).

### **Conclusion**

14. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider the reference fully when responding to this action. The document cited therein teaches a method and apparatus for accessing data resources within a device's file system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONGJIA PAN whose telephone number is (571)270-1177. The examiner can normally be reached on Monday through Friday 9:00 AM - 6:00 (EST) PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yongjia Pan  
March 11, 2010

/Kieu Vu/  
Supervisory Patent Examiner, Art Unit 2173